

# **EXHIBIT 2**



# North Carolina Department of Public Safety

*Prisons*

Pat McCrory, Governor  
Frank L. Perry, Secretary

W. David Guice, Commissioner  
George T. Solomon, Director

## DC-410 Screening Response

**Regarding Grievance No.: 3710-2016-2CL-02106**

**Received: 07/16/2016**

**Inmate: KELLIHER, JAMES R - 0830958**

**Location: 3710-NASH CI - 2CL- 009**

The grievance you have submitted has been accepted and will begin a review process. A response will be sent within 15 calendar days of 07/16/2016.

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07/16/2016

*Date*

WIGGINS, ANGELO

*Staff Electronic Signature*

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cc: CTS

**MAILING ADDRESS:**  
P.O. BOX 600  
NASHVILLE, NC 27856-0600



**OFFICE LOCATION:**  
2869 US HWY 64A  
NASHVILLE, NC 27856-0600  
Telephone: (252)462-4000  
Fax: (252)459-7728

WWW.NCDPS.GOV  
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**NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY  
PRISONS  
ADMINISTRATIVE REMEDY PROCEDURE**

Inmate Name: James R. Kelliher Inmate #: 0830958

Location: Unit 2 - C112 Date: 7/11/16

Grievance Statement: Current NC DPS-Prisons' state-wide policy banning inmates from receiving the "Lord's Supper" (bread:wine) clearly infringes on my ability to practice my religion as a Missouri Synod Lutheran. My visitation approved clergy - Pastor Ted Rapp - has been prevented from bringing in the Sacraments, hymnal, and the Sunday sermon pamphlet while further being limited to 1 clergy visit per month due to the blanket ban. My sincere desire to practice my religion is being completely prevented sans any mechanism of mediation available.

What remedy would resolve your grievance?: To be able to practice my religion as I have for years before this policy. To not be subject to retribution for "grieving" i.e. frivolous infraction write-ups, unrequested striping, harassment etc

Inmate Signature: James R. Kelliher

**OFFICIAL USE**

Date received: 07/18/16

H. J. Reid  
Receiving Officer Signature

RJH03

Staff ID

Facility #: 2710

Year: 2016

Housing #: 2C-

Sequence #: 2016 02106

Distribution: White - Facility Copy; Pink - Inmate Copy



# North Carolina Department of Public Safety

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George T. Solomon, Director

## Step One - Unit Response

Regarding Grievance No.: 3710-2016-2CL-02106  
Received: 07/16/2016

Inmate: **KELLIHER, JAMES R - 0830958**  
Location: **3710-NASH CI - 2CL-009**

Your complaint has been received and noted. Investigation reveal the following: DPS Policy prohibit visiting clergy from bringing sacraments or the Lord's Supper into facility. Base on all facts no further action is needed or necessary.

---

07/16/2016

Date

WIGGINS, ANGELO

Staff Electronic Signature

(A)  Agree with grievance response

(B)  Appeal to Step Two (24-hour limit)

---

7/16/16

Date

*James Kelliher*  
Inmate Signature

---

Date

Witness Signature (optional)

cc: CTS

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P.O. BOX 600  
NASHVILLE, NC 27856-0600



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## Step Two - Area/Complex/Institution Response

Regarding Grievance No.: 3710-2016-2CL-02106  
Received: 07/16/2016

Inmate: **KELLIHER, JAMES R - 0830958**  
Location: **3710-NASH CI - 2CL- 009**

I have reviewed the Step#1 response regarding your complaint. It appears that your complaint has been appropriately addressed in accordance to DPS policy. No further action required at this time.

07/22/2016  
*Date*

**BRAKE, VIVIAN L.**  
*Staff Electronic Signature*

(A)  Agree with grievance response

(B)  Appeal to Secretary, DPS (24-hour limit)

7/22/16  
*Date*

  
*Inmate Signature*

*Date*

*Witness Signature(optional)*

cc: CTS

MAILING ADDRESS:  
P.O. BOX 600  
NASHVILLE, NC 27856-0600



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NASHVILLE, NC 27856-0600  
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# North Carolina Department of Public Safety

## Division of Adult Corrections

### Inmate Grievance Resolution Board

State of North Carolina

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Matthew Rouse, Jr., D.H.L.

#### **Step Three - Administrative Remedy Response**

Inmate: KELLIHER,JAMES R

GRB Grievance No: 00870

Inmate #: 0830958

Unit Grievance No: 3710-2016-2CL-02106

Location: 3710-NASH CI - 2CL- 009

Date Received: 07/25/2016

#### **Grievance Examiner: Findings and Disposition Order**

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James R. Kelliher filed this grievance on July 11, 2016 at Nash Correctional Institution. He asserts that he was being prevented from practicing his religion.

Staff response indicated that an investigation of the inmate's complaint was conducted. Staff concluded that the inmate has not been treated unfair or outside the scope of correctional policies and procedures.

This examiner has reviewed this grievance and the DC-410 response. Based on this review, there is no supporting evidence that staff has violated any applicable policy. Accordingly, this grievance must be dismissed.

---

07/25/2016

*Date*

MEWBORN, REGINALD R.

*Inmate Grievance Examiner Electronic Signature*

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cc: CTS

Copy: Angelo Wiggins  
Unit Manager/Step-One  
Put in box 8/18/2016

James Kellher  
#0830458  
Unit 2 C-112

Mr. Wiggins,

I wrote a grievance (No. 3710-2016-2CL-02106) concerning religious issues which you responded with on 7/16/2016 "DPS Policy prohibit visiting clergy from bringing sacraments or the Lord's Supper into facility. I still haven't been able to locate that in the policy manual and I am respectfully requesting a copy of it or the citation information.

Any help you may provide is greatly appreciated

Best Regards

James Kellher  
James Kellher

Copy: Betty Brown  
Central/Regional Chaplain  
NC DPS Chaplain Sent 8/20/16  
831 W. Morgan St  
Raleigh, NC 27603

James Kellher 0830958  
P.O. Box 600  
Nashville, NC 27856

8/19/16

Ms. Brown,

I am requesting the policy concerning DPS prohibiting visiting clergy from bringing sacraments or the Lord's Supper into the Nash Correctional facility.

I wrote a grievance (No. 3710-2016-2CL-02106) concerning this denial, but no one is willing to produce this DPS Policy prohibiting the aforementioned.

I have enjoyed receiving the sacraments from the same visiting clergy for about a decade and at 3 other facilities. Receiving the Lord's Supper, as a Missouri Synod Lutheran, is a necessary and central tenet. Denial of this presents an insurmountable block for me to practice my faith / religion.

Any information you may provide is greatly appreciated.

Best Regards,  
James Kellher  
James Kellher

gpy = George Solomon  
NC Director of Prisons  
NC DPS - Prisons Sentat  
831 W. Morgan St 8/20/16  
Raleigh, NC

James Kellifer  
#0830958  
P.O. Box 600  
Nashville, NC  
27856

8/19/16

Mr. Solomon,

I am writing to you concerning Clergy and Visitation Policy procedure. I filed a grievance (Unit No: 370-2016-2 CL-02106/GRB No: 20870) concerning the denial of my clergy bringing the Lord's Supper into the facility. Mr. Angels Wiggins responded with "DPS Policy prohibit visiting clergy from bringing sacraments or the Lord's Supper into facility." Despite multiple verbal requests (and written) I have not been able to view this policy nor have I received a copy of it. Chapter D, Sec. 0201, General states that "Written information regarding procedures governing visitation must be made available to the inmate within [sic] 24 hours after arrival at the facility." The intake packet does not include any information about clergy and "Authorized items that visitor may bring to give to the inmate."

If this is DPS Policy, please advise so and who enacted it on what date. Also, if it isn't policy, please investigate.

Thank you for your time and consideration.

Best Regards,  
James Kellifer  
James Kellifer

ibian Brake  
bst. Superintendent of Programs  
Request Policy quoted in Grievance  
et in Box 8/22/19

James Kellher  
#083088  
Unit 2 C-112

Ms. Brake

8/21/16

I wrote a grievance (No. 3710-2016-2CL-02106) concerning religious issues and you reviewed the Step #1 response which stated "DPS Policy prohibit visiting clergy from bringing sacraments or the Lord's Supper into facility. On 7/22/16, you completed Step #2.

I am writing to request a copy of the aforementioned policy, to be able to read it, or a citation so I can locate it in the policy manual. After more than a decade of having my pastor visiting and providing the Lord's Supper, I have never been aware of any policy prohibiting this. If this is a facility policy instead of a state policy, please advise me on who enacted it.

Thank you for your time in this matter.

Best Regards,

James Kellher

James Kellher

Reginald R. Newborn Copy  
Inmate Grievance Examiner  
H207 MSC  
Raleigh, NC 27609 ~~Attn:~~ Mailed  
8/22/16

James Kellither #00850258  
P.O. Box 600  
Nashville, NC 27856

Dear Mr. Newborn,

8/22/16

I wrote a grievance asserting being prevented from practicing my religion due to blanket bans. The Step #1 response was "DPS Policy prohibits visiting clergy from bringing sacraments or the Lord's Supper into facility." I completed Step #3 on 7/25/2016 stating "Based on this review, there is no supporting evidence that staff has violated any applicable policy."

I am requesting the aforementioned policy stated in Step #1, or at least a citation of where said policy can be located in DPS's Policy Manual. After a decade (including one close-custody; two medium facilities) of being allowed to have the right to partake in the Lord's Supper provided by my pastor, I find it difficult to believe that I have been violating policy for such a long time. I haven't been able to locate this policy quoted in Step #1, leading me to question its existence.

I am assured that during your investigation, you actually did eyes on this policy before asserting "that staff has [not] violated any applicable policy."

Thank you for any information you may provide.

Best Regards  
James Kellither  
James Kellither

GRB Grievance No: 00870  
Unit Grievance No: 3710-2016-2CI-001  
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State of North Carolina

Inmate Grievance Resolution Board  
4207 MSC  
RALEIGH, NC 27609

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James D. Foster, ESQ.  
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Matthew Rouse, Jr., D.H.L.

Aug 31, 2016

KELLIHER, JAMES R(#0830958)  
3710  
NASH CI

Re: Examiner's Review/Policy

Your recent correspondence was forwarded to our office for review. You expressed disagreement with the Grievance Examiner's decision related to your grievance appeal. According to Division of Prisons Policy, the decision by the Inmate Grievance Examiner or a modification by the Secretary of Correction shall constitute the final step of the Administrative Remedy Procedure. This issue has been addressed at every level of the Administrative Remedy Procedure. Therefore, you have exhausted your administrative remedies. If you continue to have concerns regarding this issue, you may pursue your concerns through other avenues.

We hope this information is useful to you.

Sincerely,

HINTON, INA M.  
*Electronic Signature*

cc: File/CTS